

Appl. No. 09/972,287  
Amdt. dated August 19, 2003  
Reply to Office Action. of May 22, 2003

### **REMARKS**

This Amendment is submitted in response to the outstanding Office Action mailed May 22, 2003. At that time, claims 1-32 were pending in the application. In the Office Action, the Examiner objected to the drawings and the specification and withdrew from consideration claims 7, 10, 12-14, 16, 25-28, and 30. Claims 1-6, 8, 9, 11, 15, 17, and 23 were rejected under 35 U.S.C. §112. Additionally, claims 1-6, 8, 9, 11, 15, 18-24, 29, and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,794,968 issued to Yamamoto et al (hereinafter "Yamamoto"). Claims 1-5, 8, 9, 11, 15, 18-24, 29, and 32 were further rejected under §102(b) an anticipated by European Patent No. 1024061 issued to Krebs et al (hereinafter "Krebs"). Claims 15 and 19 were also objected to as containing certain informalities.

By this paper, claims 1, 8, 11, 15, 18, 19, 23, and 32 have been amended and claims 5 and 6 have been cancelled. In view of these amendments and the following remarks, reconsideration and allowance of the claims 1-6, 8, 9, 11, 15, 17-24, 29, 31, and 32 is respectfully requested.

### **OBJECTION TO THE DRAWINGS**

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) as failing to show all of the features specified in the claims. *See* Office Action ¶ 3. Specifically, the Examiner stated that the drawings failed to show a "cover with mounting projections and a Z-height control tab" as well as a "reaction housing with a skirt" as recited in claims 1, 11, and 15. *See id.* By this paper, claims 1, 11, and 15 have been amended such that this terminology has been deleted from the claims. Accordingly, the Applicants submit that the drawings satisfy the standards set forth in 37 C.F.R. 1.83(a) and respectfully request that this objection be withdrawn.

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#### **OBJECTION TO THE SPECIFICATION**

The Examiner objected to the specification under 37 C.F.R. 1.75(d)(1) as failing to provide a proper antecedent basis for subject matter found in the claims. *See* Office Action ¶ 4. Specifically, the Examiner asserted that the specification failed to teach a cover having mounting projections and a Z-height control tab as well as a reaction housing with a skirt as recited in claims 1, 11, and 15. *See id.* By this Amendment, the subject matter referenced by the Examiner has been cancelled from claims 1, 11, and 15. However, even if such features had not been cancelled, the paragraph beginning on page 11, line 3 fully supports and provides an antecedent basis for this subject matter. Accordingly, the Applicants submit that the present specification satisfies the standards set forth in 37 C.F.R. 1.75(d)(1) and respectfully requests that this objection be withdrawn.

#### **OBJECTION TO CLAIMS 15 AND 19**

The Examiner also objected specific informalities in claims 15 and claim 19. *See* Office Action ¶ 5. By this paper, claims 15 and 19 have been amended to address these concerns and as such, the Applicants respectfully request that this objection be withdrawn.

#### **REJECTION TO CLAIMS 1-6, 8, 9, 11, 15, 17, AND 23 UNDER 35 U.S.C. §112**

The Examiner rejected claims 1-6, 8, 9, 11, 15, and 17 as failing to satisfy the written description requirement of 35 U.S.C. §112, first paragraph. *See* Office Action ¶ 7. Specifically, the Examiner asserted that these claims' recitation of a cover having mounting projections and a Z-height control tab as well as a reaction housing with a skirt was not supported by the specification. *See id.* By this Amendment, the subject matter referenced by the Examiner has been cancelled from the present claims. However, even if such features had not been cancelled, the paragraph beginning on page 11, line 3 fully supports and provides an antecedent basis for this subject matter. Accordingly, the Applicants submit that claims 1-6, 8, 9, 11, 15, and 17

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satisfy the written description requirement of 35 U.S.C. §112, first paragraph and respectfully request that this rejection be withdrawn.

The Examiner also rejected claims 6, 8, and 23 under 35 U.S.C. §112, second paragraph. *See* Office Action ¶ 9. By this paper, claim 6 has been cancelled and claims 8 and 23 have been amended such that the term “semi-deflectable” (which the Examiner stated was indefinite) has been eliminated from the claims. As such, the Applicants submit that the present claims satisfy the definiteness standard of 35 U.S.C. §112, second paragraph and respectfully request that this rejection be withdrawn.

**REJECTION OF CLAIMS 1-6, 8, 9, 11, 15, 18-24, 29, AND 32 UNDER 35 U.S.C. §102(b)**

The Examiner rejected claims 1-6, 8, 9, 11, 15, 18-24, 29, and 32 under 35 U.S.C. §102(b) as being anticipated by Yamamoto. *See* Office Action ¶ 11. The Applicants respectfully traverse this rejection.

It is well settled that a claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see also* MPEP §2131. In the present case, claims 1-6, 8, 9, 11, 15, 18-24, 29, and 32 include the limitation that “the Z-height control tab engag[es] the skirt to substantially maintain the defined Z-height.” To the extent that Yamamoto’s rear securing piece portion 82a and left and right wall 53, 54 may be respectively called a Z-height control tab and a skirt, there is no teaching or disclosure in Yamamoto that the securing piece portion 82a engages the left and right wall 53, 54. On the contrary, Yamamoto teaches that the “rear securing piece portion 82a is inserted into and secured to the rear securing groove 52a.” Yamamoto Col. 6, lines 61-63; *see also* Col. 5, lines 3-10; Figures 6 and 8.

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Consequently, because Yamamoto fails to teach or disclose all of the limitations found in claims 1-6, 8, 9, 11, 15, 18-24, 29, and 32, Yamamoto cannot anticipate these claims under §102(b). Withdrawal of this rejection is respectfully requested.

**REJECTION OF CLAIMS 1-5, 8-9, 11, 15, 17-24, 29, AND 31-32 UNDER §102(b)**

The Examiner rejected claims 1-5, 8-9, 11, 15, 17-24, 29, and 31-32 under 35 U.S.C. §102(b) as being anticipated by Krebs. *See* Office Action ¶ 12. The Applicants respectfully traverse this rejection.

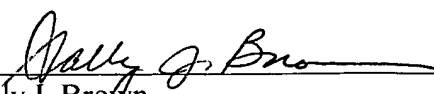
As noted above, a claim is anticipated under §102(b) only if each and every claim limitation is taught or disclosed by a single prior art reference. *See e.g., Verdegaal Bros.*, 2 USPQ2d 1051 at 1053. By this paper, the present claims have been amended to include the limitation of original claim 6 which requires that the Z-height control tab be aligned generally parallel to a plane extending across the reaction surface. Such a limitation is not taught or disclosed by Krebs and therefore, Krebs cannot anticipate the present claims under §102(b). the Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

In view of the foregoing, the Applicants submit that claims 1-6, 8, 9, 11, 15, 17-24, 29, 31, and 32 are in a condition for immediate allowance. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Respectfully submitted,

  
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